

The Gazette



of India

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SIMLA, SATURDAY, NOVEMBER 13, 1948

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II-A

Notifications relating to Minor Administrations

OFFICE OF THE CHIEF COMMISSIONER HIMACHAL PRADESH

OFFICE ORDER

Simla-4, the 3rd November 1948

No. J. 79-22/48.—Mr. Chet Ram, formerly Additional District and Sessions Judge, Rampur, is transferred to Mandi as Senior Sub-Judge. He should move forthwith and report himself for duty to the Deputy Commissioner, Mandi.

By order,

E. P. MOON,

*Deputy Chief Commissioner,
Himachal Pradesh.*

NOTIFICATIONS

Simla-4, the 3rd November 1948

No. J. 79-22/48.—In exercise of the powers conferred by paragraphs 18 and 21 of the Himachal Pradesh Courts Order, 1948, the Chief Commissioner is pleased to appoint Mr. Chet Ram, formerly Additional District and Sessions Judge, Rampur, as Sub-Judge for the Mandi Civil District of Himachal Pradesh with original jurisdiction in cases upto Rs 10,000.

By order,

E. P. MOON,

*Deputy Chief Commissioner,
Himachal Pradesh.*

Simla-4, the 3rd November 1948.

No. J. 79-22/48.—In exercise of the powers conferred by the proviso to para. 31, of the Himachal Pradesh (Courts) Order, 1948, and in supersession of the notification No. J-79-22/48, dated the 25th August, 1948, the Judicial Commissioner, with the previous sanction of the Chief Commissioner, is pleased to direct that within the limits of each of the District, or any part thereof, comprising Himachal Pradesh, appeals lying to the Court of the District Judge from decrees and orders passed by any Subordinate Judge in an unclassed suit of value not exceeding one hundred rupees shall be preferred to the Senior Subordinate Judge exercising jurisdiction within such District or such part thereof, and the Court of such Senior Subordinate Judge shall be deemed to be the Court of a District Judge for the purpose of all appeals so preferred.

By order,

D. N. JOSHI,

*Officer on Special Duty,
with the Judicial Commissioner,
Himachal Pradesh.*

Simla-4, the 3rd November 1948

No. J. 97-22/48.—In exercise of the powers conferred by paragraph 4 of the Himachal Pradesh (Administration) Order, 1948, the Chief Commissioner, Himachal Pradesh is pleased to invest Lala Baldev Ram, Magistrate, 1st Class with enhanced powers under Section 30 to try cases not punishable with death and Summary powers under Section 260 of the Code of Criminal Procedure, 1898, to be exercised within the Chamba Division of Himachal Pradesh.

By order,

E. P. MOON,

*Deputy Chief Commissioner,
Himachal Pradesh.*

Simla-4, the 4th November 1948

No. A-5-93/48.—In exercise of the powers conferred by paragraph 4 of the Himachal Pradesh (Administration) Order, 1948, the Chief Commissioner, Himachal Pradesh is pleased to appoint Captain Ravi Singh as District Civil Supply Officer in the District Mahasu at Simla with effect from the 3rd August, 1948 (forenoon).

By order,

E. P. MOON,

*Deputy Chief Commissioner,
Himachal Pradesh.*

ORDERS BY THE CHIEF COMMISSIONER, AJMER-MERWARA

NOTIFICATION

Ajmer, the 5th November, 1948

No. 16/2/48-Genl.—In exercise of the powers conferred upon him by Section 25 of the Negotiable Instruments Act, 1881 (XXVI of 1881) read with the Government of India late Home Department Notification No. F. 126/37-Public, dated the 1st April, 1937, the Chief Commissioner is pleased to declare that the local holidays for Pushkar Fair for the 16th & 17th November, 1948, occurring in Note No. 4 of this Administration Notification No. A/17-2-II, dated the 11/13th March, 1948, shall be observed as public holidays throughout Ajmer-Merwara.

By order,

A. N. LAL,

*Assistant Secretary to the Chief Commissioner,
Ajmer-Merwara.*

ORDERS BY THE CHIEF COMMISSIONER,
PANTH-PIPLODA

NOTIFICATION

Ajmer, the 6th November 1948

No. PP/26-13.—In exercise of the powers conferred by Sections 21, 41, 65, 67, 68, 70, 91 and 134 of the Motor Vehicles Act, 1939 (Act IV of 1939) read with the Government of India, Home Department (India) Notification

No. 18/1/47-Ests, dated the 14th August, 1947, the Chief Commissioner of Panth Piploda is pleased to apply *mutatis mutandis* the Ajmer-Merwara Motor Vehicles Rules, 1940, as amended from time to time, to Panth Piploda from the date of this Notification.

By order, etc.,

A. N. LAL,

Assistant Secretary to the Chief Commissioner,
Panth Piploda.

GINNING RETURN

Return showing quantity of cotton ginned in the Province of Ajmer-Merwara for the week ending
29th October 1948

Section 5A of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925) as subsequently amended.

Name of Division or Block.	QUANTITY (BY WEIGHT) OF COTTON GINNED (IN BALES OF 392 LBS. EACH).					District included in the block.				
	During the week.	During the corresponding week last year.	Since the commencement of the season, i.e., since 1st September 1948.	During the corresponding period last year.	1	2	3	4	5	6
Ajmer-Merwara	Nil	Nil	Nil	Nil	1	2	3	4	5	6

GAURI SHANKAR,

Superintendent,

for Dy. Commissioner, Ajmer-Merwara.

OFFICE OF THE CHIEF COMMISSIONER, DELHI

NOTIFICATIONS

Delhi, the 2nd November 1948

No. F. 2(119)47-R&J.—In exercise of the powers conferred by sub-section 6 of section 144 of the Criminal Procedure Code, 1898, the Chief Commissioner of Delhi, being satisfied that this measure is necessary to avoid obstruction, annoyance or injury or risk of obstruction, annoyance or injury to any person lawfully employed or danger to human life or a disturbance or public tranquillity, is pleased to direct that the order reproduced below which was passed by the District Magistrate, Delhi, on the 28th April 1948, and extended upto the 27th October 1948, *vide* Chief Commissioner's notification No. F. 2(119)47-R&J, dated the 24th August 1948, shall remain in force for a further period of two months, with effect from the 28th October 1948.

“ Provided that the order shall not apply to release Military personnel who were permitted to take away their military uniforms at the time of their discharge from the Army and to wear those without the badges of their ranks and signs denoting their regiments or units ”.

ORDER

Whereas certain types of uniforms which can be mistaken for uniforms worn by the Police or Military personnel are being used frequently by volunteers or various political parties and by other individuals;

And whereas the use of such uniforms creates an impression in the minds of illiterate persons that the wearers of these uniforms are invested with some official authority;

And whereas such use or misuse of uniforms is calculated or likely to cause obstructions, annoyance or injury or risk of obstruction, annoyance or injury to any person lawfully employed or danger to human life or a disturbance of public tranquillity;

And whereas it is necessary to take special and speedy measures to prevent the said obstruction, annoyance or injury to any person lawfully employed or danger to human life or disturbance of public tranquillity;

Now therefore, I, M. S. Randhawa, District Magistrate, Delhi, do hereby make this written order under

section 144 of the Code of Criminal Procedure, 1898, directing the public generally in the whole of Delhi Province to abstain from wearing of any Police or Military uniforms or of any other uniform resembling that of Police or Military forces or of any uniform of volunteers of any political party.

This order shall not apply to Government servants and official Congress Volunteers acting in the discharge of their duties and *bona fide* uniforms of students and sportsmen in furtherance of their educational and recreational activities.

This order is directed to the public generally and is issued ex parte in face of an emergency. It shall come into force at once and shall remain in force for a period of two months.

Given under my hand and seal this 28th day of April 1948.

M. S. RANDHAWA,
District Magistrate, Delhi.

By order,

N. M. PATNAIK,
Home Secretary
to the Chief Commissioner, Delhi.

Delhi, the 3rd November 1948

No. F. 2(126)48-R&J.—In pursuance of the powers conferred by section 14 of the Code of Criminal Procedure, 1898, the Chief Commissioner of Delhi is pleased to confer upon Mr. Rajeshwar Singh Phoolka, P.C.S., Special Railway Magistrate, East Punjab, all the powers of a Magistrate of the first class, with regard to cases generally, within the limits of the Delhi Province with effect from the date of this notification.

No. F. 2(126)48-R&J.—The Chief Commissioner of Delhi is pleased to invest Mr. Rajeshwar Singh Phoolka, being a magistrate of the first class within the limits of the Delhi Province with powers under section 30 of the Code of Criminal Procedure, 1898 to try as a magistrate all offences not punishable with death.

No. F. 2(126)48-R&J.—The Chief Commissioner of Delhi is pleased to invest Mr. Rajeshwar Singh Phoolka, East Punjab Civil Service, a magistrate of the first class, with powers to try summarily within the limits of the

Delhi Province the offences specified in section 260 of the Criminal Procedure Code, 1898.

By order,

N. M. PATNAIK.

Home Secretary
to the Chief Commissioner, Delhi.

Delhi, the 3rd November 1948

No. F. 6(16)46-C.S.—The powers conferred on Mr. Daya Kishan Beri, Price Control Sub-Inspector under Section 40 of the Punjab Laws Act, 1872 in Chief Commissioner's Notification No. F. 6(16)46-C.S., dated the 15th April, 1946 are hereby withdrawn.

By order,

I. D. MATIUR,

Secretary (Rationing & Civil Supplies)
to the Chief Commissioner, Delhi.

Delhi, the 3rd November 1948

No. F. 10(2)48-Home.—In exercise of the powers conferred by sub-section (7) of section 7 of the Cinematograph Act, 1918, the Chief Commissioner of Delhi is pleased to direct that the newsreel entitled "Nehru Guards India" produced by Messrs Motwane and Sons, Bombay, certified by the Bombay Board of Film Censors under its certificate No. 39704, dated the 24th September 1948, length 725 feet in 1 reel shall be deemed to be an uncertified film in the whole of the Province of Delhi.

By order,

N. M. PATNAIK,

Home Secretary
to the Chief Commissioner, Delhi.

Delhi, the 5th November 1948

No. F. 7A(80)48-Home.—Shri G. C. Bali assumed charge of the office of Deputy Superintendent of Police, Delhi, on the afternoon of the 13th September 1948.

By order,

N. M. PATNAIK,

Home Secretary
to the Chief Commissioner, Delhi.

Delhi, the 5th November 1948

No. F. 9(9)48P&D.—The following draft regulations which the Chief Commissioner proposes to make in exercise of powers conferred under sub-section (1) of the Section 29 of the Indian Trade Unions Act 1926, being Act XVI of 1926, is published as required by Sub-Section (1) of Section 30 for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after a period of three months from the date of its publication. Any objections or suggestions which may be received from any person with respect to the said draft before the aforesaid date will be considered by the Chief Commissioner. The objections or suggestions should be addressed to the Registrar of the Trade Unions, Delhi Province, Delhi.

DRAFT REGULATIONS.

1. *Short title.*—These regulations may be called the Delhi Trade Unions (Recognition) Regulations, 1948.

2. *Definitions.*—(1) In these regulations unless there is anything repugnant in the subject or context:—

- (a) *Act* means Indian Trade Union Act, 1926 as amended in 1947;
- (b) "Court" means a Labour Court as constituted under section 28B of the Act;

(c) "Form" means a form appended to these regulations;

(d) "Judge" means a Judge appointed to preside over a Labour Court as defined in Section 2(e) of the Act;

(e) "Schedule" means the schedule appended to these regulations;

(f) "Section" means a section of the Indian Trade Unions Act, 1926.

(2) Words and expressions not defined in these regulations shall have the meanings assigned to them under the Act.

Procedure for Labour Courts.

3. Any application of the nature referred to in section 28E may be sent to the Court by registered post or be presented to the Court or to the Court-clerk, authorised by the Judge in this behalf and shall be made in duplicate.

4. If an application is not in order by reason of any formal defect therein the Judge may return it to the applicant for remedying the defect within a specified time.

5. If the Judge thinks that an application may be fixed for preliminary hearing, he shall cause notice in form "J" to be served on the applicant directing him to appear before him at the time and place mentioned therein to show cause why the application may not be summarily dismissed.

6. If any of the parties applies for determining certain preliminary issues, the Judge may proceed to determine such issues after issuing notice to the opposite party.

7. If an application is not summarily dismissed, the Judge shall cause notice in form 'K' to be given to the opponent directing him to file a written statement within a specified time.

8. After all the statements required to be filed by the parties are received or after the expiry of the date for filing the statements, the Judge shall give notice in form "L" to the parties to appear before him at such time and place as may be mentioned therein.

9. (1) In any proceeding before the Court, parties may appear in person or through any other person by a duly authorised counsel, attorney, advocate, pleader or a representative as the case may be.

(2) Every person except a counsel authorised to appear shall file a memorandum of appearance in form "M" signed by the person authorising him.

10. If an application is presented by any party to the proceeding for the citation of witnesses, the Court shall issue summonses in Form "N" for the appearance of such witnesses unless it considers that their appearance is not necessary for deciding the application.

11. Every summons, notice, warrant or other process and every order or certified copy of any document shall be signed by the Judge with the date of signing and shall be sealed with official seal of the Court.

12. The service of every summons, notice, warrant or order shall be effected by hand delivery or through registered post as may be expedient or as provided in order V of the Civil Procedure Code.

13. When any fact is to be proved by an affidavit, it shall (1) be drawn in form "O", (2) be stamped as prescribed in the Schedule and (3) be sworn or affirmed in the presence of the affidavit Commissioner.

14. Each witness shall give his evidence on oath or solemn affirmation as the case may be and shall give the following particulars, viz., (1) his name, (2) age, (3) occupation, (4) place of residence, and (5) religion, if any.

15. The Court may accept, admit or call for any evidence at any stage and in any manner as it thinks fit.

16. The judge or any other person authorised in writing by him in this behalf may at any time during the

pendency of an application enter any building, factory, workshop or other premises whatsoever and inspect any records therein or interrogate any person therein in respect of any matter relating to the subject matter of the application.

17. The judge shall send a certified copy of an order made by him to the parties concerned, to the Provincial Government and to the Registrar of Trade Unions for the Province. Any additional copy required by the parties shall be supplied at the cost prescribed for certified copies of documents in the Schedule. Certified copies of any documents may also be supplied at the cost prescribed in the Schedule.

18. The Court may correct in any order any clerical mistake or error arising from an accidental slip or omission.

Miscellaneous

19. On receipt of a memorandum of agreement regarding the recognition of trade union, the Registrar shall record the memorandum in the register maintained in form "P" and intimate the date of recording it to the parties concerned. The Registrar shall also record the order made by the Labour Court under Section 28E(5) in the register maintained in form "Q".

20. The application for revocation of an agreement granting recognition to a trade union shall be in form "R". A copy of such application shall be sent by the party making the application to the other party to the agreement.

On receipt of the application, the Registrar shall cancel the memorandum of agreement and relevant articles in the register in form "P" under his signature with the date of signing and send an intimation to that effect to the parties concerned. The Registrar shall also cancel the entries in the register in form "Q" on receipt of an order made by the Labour Court withdrawing recognition of a union under section 28 G(3).

21. The application to the Labour Court for grant of recognition shall be in form "S".

22. The notice referred to in section 28E(4) shall be in form "L".

23. For the purpose of section 28E(4), the proportion, which the number of the workmen referred to in clause (b) of section 28D who are members of the trade union and are not in arrears of their subscription for any period exceeding three months, to the total number of such workmen shall be 33 per cent. industry having 500 or less workers on roll, 30 per cent. in case of industry having more than 500 and less than 1,000 workers on roll, 25 per cent. in case of industry having more than 1,000 and less than 2,000 workers on roll, 20 per cent. in case of industry having more than 2,000 and less than 5,000 workers on roll, 15 per cent. in case of industry having more than 5,000 and less than 10,000 workers on roll, and 10 per cent. in case of industry having more than 10,000 workers on roll.

24. The notice referred to in section 28G(2) shall be in form "T".

25. Every recognised trade union shall on or before the 20th day of every month forwarded by registered letter or present in person to the Registrar of Trade Unions for the Province a return in form "U" giving the prescribed information for the previous month.

FORM "J"

(Notice of Preliminary Hearing under rule 5)

In the Labour Court at

No. of 19 .

In the matter of

Notice.

Please take notice that the above matter will be taken up for hearing before me at on in

. You are hereby required to appear in person or through any other person or by a duly

authorised counsel, advocate, attorney, pleader or a representative as the case may be at the aforesaid time and place and to show cause, if any, why the above matter should not be summarily dismissed.

No.

Office of the Labour Court.

day of 19 . Judge,
To Labour Court.

FORM "K".

(Notice to file written statement)

Under rule 7.

In the Labour Court at

Application No. of 19 .

(1)

Address :— Applicant(S).

(2)

versus

Address :— Opponent(S).

In the matter of

Notice.

Whereas abovenamed has filed an application in this Court, a copy whereof is enclosed herewith, notice is hereby given to you that if you so desire, two copies of your written statement may be filed in this office on or before 19 and that a copy thereof may be supplied to the abovenamed and to inform the undersigned that this has been done.

2. The time and the place hearing will be announced later.

(Seal).

Judge,

Labour Court.

No.

Office of the Labour Court,

..... day of 19 .

To

FORM "L".

(Notice of Hearing Under Rule 8).

In the Labour Court at

Application No. of 19 .

In the matter of

Notice.

Whereas the above matter has been admitted to the file, please take notice that the said matter will be taken up for hearing at or at such time immediately thereafter according to the convenience of the Court on in You are hereby required to appear in person or through any other person or by a duly authorised counsel, advocate, attorney, pleader or a representative, as the case may be, at the aforesaid time and place to continue to remain present until the said matter has been finally disposed of and to produce before the said Court on those days all books, documents, etc., which may be in your possession or under your control and in any way relating to the matters in dispute and witnesses, if any.

(Seal).

Judge,

Labour Court.

No.

Office of the Labour Court

day of 19 .

To

FORM "M".

(Memorandum of Appearance under Rule 9(2)).

In the Labour Court at

No. of 19 .

In the matter of

Address :—

I/we have appointed Mr. to appear for me/us in the above matter.

Dated this day of 19 .

Signature(s) of the employer or duly authorised representative(s) of the Union.

Accepted
(Signature)

FORM "N".

(Summons to Witness under rule 10)

In the Labour Court at

No. of 19 .

In the matter of

Summons.

Whereas the above application will be taken up for hearing at on in and whereas your presence is necessary, you are hereby summoned to appear in person before me at the aforesaid time and place to give evidence, to answer all material questions and to produce all books, documents, etc., which may be in your possession or under your control and in any way relating to the matters in dispute, and to remain present until your are discharged.

(Seal).

Judge,
Labour Court.

No.

Office of the Labour Court,

..... day of 19

To

FORM "O"

(Form of Affidavit under Rule 13).

In the Labour Court at

No. of 19 .

I (name)
solemn affirmation as follows :—

- (1) That
- (2) That

Identified by

Signature
Before meJudge,
Labour Court.

FORM "P".

(Form of register for recording memoranda of agreements under Rule 19, Section 28C(1)).

Registration No. of Memorandum of agreement.

Name of the Trade Union.

Name(s) of the employer|employers
by whom the union has|have
been recognised.

Date of recognition.

Date of registration of Memorandum of agreement.

Registrar of Trade Unions of
the Province of Delhi.

FORM "Q".

(Form of registers for recording orders for recognition of the Labour Court under Rule 19 Section 28G(3)).

Order made by the Labour Court at

Number and date of the order

Date of receipt of the order

Name of the Trade Union which has
been granted recognition by the
OrderName(s) of the employer|employers
who has|have been directed to
recognise the trade unionRegistrar of Trade Unions for
the Province of Delhi.

FORM "R".

(Application for revocation of recognition under Rule 20 Section 28 C(2)).

Address :—

To

The Registrar of Trade Unions for the Province of
Delhi, Delhi.

Dear Sir,

I/we, have been duly authorised by employer to inform
you that the recognition granted to union
by
under the memorandum of agreement date
may please be treated as revoked with effect from
19 .

Yours faithfully,

Signature(s) and designation(s) of
Applicant(s).

FORM "S".

(Application for Recognition of Trade Union under Rule 21 Section 28E(1)).

In the Labour Court at

Application No. of 19 .

Name of Union

Address

The undersigned begs respectfully to submit that at a General Meeting of the members of the above union held meeting of the Executive.

at on the day of 19 , it was decided that the union should apply for recognition by*..... A copy of the resolution in this behalf signed by the President of the Union Chairman of the Executive

is attached. The applicant requests that the union may be granted recognition as provided in section 28E of the Indian Trade Unions Act, 1926.

2. The union is registered under the Indian Trade Unions Act, 1926, under certificate No dated and has members in the employ of in industry|industries and represents percent of the total number of

*Here name of employer or employers.

workmen employed by in that industry|those industries.

3. A copy of the constitution of the union is attached.

4. The union had applied to for recognition on but has failed to obtain recognition.

5. The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and information. This verification is signed at on day of J.A.

President

Signature of the

General Secretary of the Union
Secretary

*Here name of the employer or employers.

FORM "T".

(Form of notice to Trade Union regarding withdrawal of recognition under Rule 24 Section 28G(2)).

Whereas an application has been made by for withdrawal of recognition granted to your union by on the ground that Please take notice that the application will be taken up for hearing before me at on in You are hereby required to appear in person or through any other person or by a duly authorised counsel, advocate, attorney, pleader or a representative as the case may be, at the aforesaid time and place and to show cause, if any, why the application should not be granted.

(Seal).

Judge,
Labour Court.

No

Office of the Labour Court,

..... day of

19 ..

To

FORM "U".

(Return to be forwarded to the Registrar of Trade Unions for the Province of Delhi under Rule 25 Section 28 I).

(1) Name of the Union

(2) Address

(3) Registration No

Date of

Employer
by
whom recognised

(5) Date or dates* of recognition....

(6)

Membership in the
employment of the Total
employers who members p
has granted
recognition

Number of members as at
the beginning of the month.
Number of members who
joined during the month
Number of persons who
have ceased to be members
during the month
Number of members at the
end of the month

(7) Rate or rates of subscription

(8) Subscription collected during month :—

	month	Rs. A. P.
	Quarter
	Half year
For the current
On account of arrears
Subscription due at the end of the month
	Total

(9) The date on which the meeting of the executive Committee was last held.

(10) Interval at which a meeting of the executive Committee is required to be held according to the constitution.

(11) A copy of the proceedings of the last meeting of the executive committee

Date Signature of President
Secretary, Union.

*If the union has been recognised by different employers on different dates.

SCHEDULE.

(Table of fees, charges, etc.)

	Rs. A. P.
(1) Affidavit	0 8 0
(2) Process fee for each witness summons ..	0 6 0
(3) Type copying and comparing charges of certified copies of documents (per folio of 100 words).	0 6 0
(4) Inspection and search of documents in the possession of the Court (per day for each document).	0 12 0

N.B.—Fees for items 3 and 4 are payable in cash and in respect of other items, in court fee stamps.

By order,

A. S. BHATNAGAR,

Secretary (Development)
to the Chief Commissioner, Delhi.

Delhi, the 6th November 1948

No. F. 7(285)48-H.P.W.—Miss S. A. P. Das assumed charge of the post of Home Sister, Irwin Hospital, New Delhi with effect from the forenoon of the 6th August, 1948.

By order,

P. H. B. WILKINS,
Secretary (Local Self Government)
to the Chief Commissioner, Delhi.